

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

PAMELA NICHOLE MATTHEWS BEENE

CIVIL ACTION NO. 08-0479

VERSUS

DISTRICT JUDGE WALTER

TOWN OF BENTON, ET AL.

MAGISTRATE JUDGE HORNSBY

**ORDER**

Before this Court is a Motion for Summary Judgment [Record Document 30], filed on behalf of Defendants, the Town of Benton, Benton Police Officer Steve Trujillo, Benton Police Officer Jean Poitras, and Benton Police Chief Charles Pilkington. Defendants seek summary judgment on the ground that they are entitled to qualified immunity for the arrest of Pamela Nichole Matthews Beene ("Plaintiff") on March 22, 2007.

After reviewing the briefs submitted by the parties along with the exhibits attached thereto, the Court finds genuine issues of material fact remain as to whether Defendants are entitled to qualified immunity. Michael Minogue, plaintiff's ex-husband and the victim of the altercation that occurred at plaintiff's residence, gave conflicting statements to Benton Police Officer Patti Carter while he received care at LSU Medical Center regarding the altercation. [Ex. A]. It is unclear whether Benton Police Chief Charles Pilkington had knowledge of these conflicting statements or whether he obtained knowledge of plaintiff's own statement prior to making the probable cause determination. Further, many of the facts proffered by defendants' to support the probable cause determination only concern Randy Matthews and are not particularized to plaintiff. Consequently, without knowing the particularized facts on which

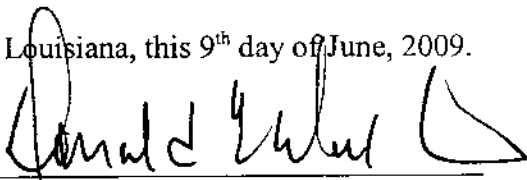
Chief Pilkington officers based his probable cause determination, it is impossible for the Court to determine whether the decision to arrest plaintiff was reasonable. *See Saucier v. Katz*, 533 U.S. 194, 201, 121 S.Ct. 2151 (2001) (once a violation has been established, the court must determine whether the officer's actions were objectively reasonable in light of clearly established law at the time of the conduct in question).

Therefore:

(1) Finding genuine issues of material fact remain, **IT IS ORDERED** that Defendants' Motion for Summary Judgment be and is hereby **DENIED** as to Defendants Town of Benton, Benton Police Officer Steve Trujillo, and Benton Police Chief Charles Pilkington.

(2) Finding plaintiff does not contest Defendants' assertion that there is no evidence of unlawful actions by Officer Gene Poitras [Rec. Doc. 41], **IT IS FURTHER ORDERED** that all claims against Benton Police Officer Jean Poitras be and are hereby **DISMISSED WITH PREJUDICE**.

**THUS DONE AND SIGNED** in Shreveport, Louisiana, this 9<sup>th</sup> day of June, 2009.

  
DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE